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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,506	07/29/2003	Yogendra Shah	I-2-0371.1US	6720
24374	7590	10/12/2004	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			BEAMER, TEMICA M	
			ART UNIT	PAPER NUMBER
			2681	
DATE MAILED: 10/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,506

Applicant(s)

SHAH ET AL.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-11, 17, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheffield, U.S. Patent No. 6,603,966.

Regarding claim 1, Sheffield discloses a system for providing high speed wireless data exchange, comprising: a cellular network comprising a plurality of base stations for communicating with a wireless transmit/receive unit (WTRU) (col. 3, lines 35-44); a device locator for determining the location of the WTRU (col. 4, lines 55-59); and at least one data pump, which supports high speed connection for wirelessly transferring information between said WTRU and said cellular network (col. 4, line 60-col. 5, line 8); and whereby said connection is automatically established when said WTRU is within a certain range of said data pump (col. 3, lines 35-49, col. 4, line 55-col. 5, line 15).

Regarding claim 2, Sheffield discloses the system of claim 1, wherein the device locator includes a GPS receiver operatively associated with the WTRU (col. 5, lines 42-56).

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Regarding claim 4, Sheffield discloses the system of claim 1, further comprising: a database maintained by the system for comparing the determined location of the WTRU and locations of data pumps; and the wireless network providing the WTRU with data indicating the availability of a data pump when the determined location of the WTRU-is close to a location of a data pump (col. 6, line 33-col. 7, line 6).

Regarding claim 5, Sheffield discloses the system of claim 1 further comprising a data cache for storing data transferred between the network and the data pump, thereby permitting data transfer at rates exceeding a data transfer rate of a data connection between the data pump and remaining portions of the cellular network (col. 4, lines 55-64, col. 7, lines 23-44).

Regarding claim 6, Sheffield discloses the system of claim 1 further comprising a data cache for storing data transferred to the data pump, thereby permitting data transfer at rates exceeding a data transfer rate of a data connection between the data pump and remaining portions of the cellular network (col. 4, lines 55-64 and col. 7, lines 23-44).

Regarding claim 7, Sheffield discloses the system of claim 1 further comprising a data cache for storing data transferred from the data pump, thereby permitting data transfer at rates exceeding a data transfer rate of a data connection between the data pump and remaining portions of the cellular network (col. 4, lines 55-64 and col. 7, lines 23-44).

Regarding claims 8 and 21, Sheffield discloses in a digital wireless communications network, a method/network for providing increased data transfer rates

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at specific locations, the method comprising: detecting a location of a WTRU and generating data concerning the location; comparing the data concerning the detected location to a database, the database including location information for localized base stations providing high data transfer rates; and effecting high transfer rate communication between the WTRU and one of the localized base stations when the comparing of the data indicates a coincidence between a location of the WTRU and the location of said one of the localized base stations (col. 4, line 55-col. 5, line 8, col. 6, line 33-col. 7, line 6).

Regarding claim 9, Sheffield discloses the method of claim 8, wherein the localized base stations include data pumps capable of effecting said high data transfer rates with WTRUs within the data pump's coverage region (col. 3, lines 35-49).

Regarding claims 10 and 22, Sheffield discloses the method of claims 8 and 21, further comprising providing dynamic tracking of the WTRU so as to predict which localized base station will be in communication with the WTRU and to provide said information concerning the detected location to the database in anticipation of the WTRU reaching a coverage area of one of the localized base stations (col. 3, line 50-col. 4, line 4).

Regarding claim 11, Sheffield discloses the method of claim 8, further comprising providing dynamic tracking of the WTRU so as to predict which localized base station will be able to communicate with the WTRU prior to data transfer negotiation, thereby facilitating said data transfer negotiation (col. 3, line 50-col. 4, line 4).

Regarding claim 17, Sheffield discloses a wireless transmit/receive unit (WTRU) capable of increased data transfer rates at specific locations, the WTRU comprising: a data processing circuit for receiving information from a wireless network concerning the availability of a localized base station providing high data transfer rates (col. 6, line 33-col. 7, line 6; a memory associated with the data processing circuit for storing data transferred between the WTRU and the localized base station (col. 5, lines 9-15); the data processing circuit for accepting communications with the localized base station; and a data processing circuit for effecting communication between the WTRU and one of the localized base stations when the comparing of the data indicates a coincidence between a location of the WTRU and the location of said one of the localized base stations (col. 3, lines 35-49, col. 4, line 55-col. 5, line 15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffield in view of Bi et al (Bi), U.S. Patent No. 5,970,414.

Regarding claim 3, Sheffield discloses the system of claim 1, wherein the device locator receives triangulation data from the base stations, and resolves the triangulation data to determine a location of the WTRU.

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In a similar field of endeavor, Bi discloses a method for estimating a mobile telephone's location. Bi further discloses wherein a mobile device is located by using triangulation techniques (col. 1, lines 7-33).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sheffield with the teachings of Bi for the purpose of accurately locating a mobile unit.

5. Claims 12-16, 18-20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffield and well-known prior art.

Regarding claims 12, 18 and 23, Sheffield discloses the method of claims 8, 17 and 21 as described above. Sheffield further discloses "automatic" high transfer connection (i.e., as the mobile unit moves through the cellular network (col. 3, lines 35-49). Sheffield, however, fails to disclose receiving a data request for transfer data between the WTRU and the network; and responsive to the receipt of the data request effecting said high transfer communication.

The examiner contends that it is well known in the art that mobile stations can make requests before being transferring information, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sheffield with mobile request as such a feature would only use system resources when the mobile station asks for connectivity.

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Regarding claim 13, Sheffield as modified discloses the method of claim 12, comprising the network coordinating a connection of the WTRU with the localized base station (col. 3, lines 35-49).

Regarding claim 14, Sheffield as modified discloses the method of claim 12, comprising the network coordinating a handover of the WTRU between the localized base station and the remainder of the digital wireless communications network (col. 4, lines 22-47).

Regarding claims 15, 19 and 24, Sheffield as modified discloses the method of claims 12, 18 and 23 as described above and further discloses handoff.

Sheffield, however, fails to disclose a soft-handoff technique. The examiner contends, however, that soft handoff is well known in the art, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sheffield with soft handoff in the event that the mobile unit is handoff between systems having the same frequency.

Regarding claims 16, 20 and 25, Sheffield discloses the method of claims 12, 19 and 23 as described above and further discloses handoff.

Sheffield, however, fails to disclose a hard-handoff technique. The examiner contends, however, that hard handoff is well known in the art, and the examiner takes official notice as such.

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Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sheffield with soft handoff in the event that the mobile unit is handoff between systems having different frequencies.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Examiner
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October 5, 2004